

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHAWN T. WALKER, <i>Plaintiff,</i>	:	CIVIL ACTION
v.	:	
FRANK REGAN et al., <i>Defendants.</i>	:	No. 13-7556

O R D E R

AND NOW, this 8th day of June, 2015, upon consideration of Defendants' Motions to Dismiss (Docs. No. 36, 49 & 60) and Mr. Walker's Motion for Service (Doc. No. 63), the Court **hereby ORDERS** that:

- (a) Defendants Motion to Dismiss Mr. Walker's Fourth Amended Complaint (Doc. No. 60) is **GRANTED IN PART** and **DENIED IN PART** in accordance with the accompanying memorandum. The Court dismisses with prejudice all of Mr. Walker's claims except (a) his claim that the unsanitary conditions of his cell violated the Eighth Amendment, which is dismissed without prejudice; and (b) his claims of retaliation against Mr. Regan, which are not dismissed. Mr. Walker's case will be placed in suspense pending consideration of his case by the Prisoner Civil Rights Panel program. Should Mr. Walker wish to amend his complaint a fifth time in an attempt to state a claim for the alleged unsanitary conditions of his cell he must do so **within 60 days** of the removal of this case from suspense.
- (b) Defendants' earlier Motions to Dismiss (Docs. No. 36 & 49) are deemed MOOT.
- (c) Mr. Walker's Motion for Service (Doc. No. 63) is deemed MOOT as the parties he was attempting to serve have been dismissed as parties.
- (d) The Court will issue a scheduling order after Mr. Walker has had an opportunity to file an amended complaint should he choose to do so.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
United States District Judge